

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

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SALVATORE TANTILLO,

Plaintiff,

v.

NEW YORK STATE TROOPER  
BRANDON D. SMITH, COMPLETE CLAIMS  
SERVICES, L.L.C., FRANK AND SON  
AUTOBODY, PURE INSURANCE, SUSAN  
LYNCH, ARBITRATION FORUMS INC.,

Defendants.

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**NOTICE OF MOTION**

Docket No. 3 :23-cv-1447  
(TJM/ML)

**MOTION MADE BY:**

Defendant Arbitration Forums, Inc.

**DATE, TIME, AND PLACE  
OF HEARING:**

To be determined by Order of the Court

**SUPPORTING PAPERS:**

(1) Declaration of Timothy McKernan with supporting exhibit; and (2) Memorandum of Law in support of Motion to Dismiss.

**RELIEF DEMANDED:**

(1) Dismissal of the complaint pursuant to Federal Rule of Civil Procedure 12 (b) (1), (5), and (6) for lack of subject-matter jurisdiction, insufficient service of process, and failure to state a claim upon which relief can be granted, respectively; and (2) for such other and further relief the Court may deem just and proper.

**REPLY PAPERS:**

Defendant Arbitration Forums, Inc. intends to submit reply papers.

**ORAL ARGUMENT:**

Not requested.

Dated: Albany, New York  
December 8, 2023

**GERBER CIANO  
KELLY BRADY LLP**

/s/ David P. Johnson  
(Bar Roll No. 700429)

By: \_\_\_\_\_  
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All Other Parties  
Upon Appearance